

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 677 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH and
MR.JUSTICE H.R.SHELAT

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

PANCHAL JITENDRAKUMAR RAMCHANDRA

Versus

STATE OF GUJARAT

RAMCHANDRA

Appearance:

MR YV BRAHMBHATT for Petitioner
MR RM CHAUHAN APP for Respondent No. 1
NOTICE SERVED for Respondent No. 5

CORAM : MR.JUSTICE M.S.PARIKH and
MR.JUSTICE H.R.SHELAT

Date of decision: 24/08/1999

ORAL JUDGEMENT [Per M.S. Parikh, J.]

1. The petitioner approached this Court with a prayer that respondent no. 3 be directed to hand-over the custody of Lilaben, alleged to be his wife. It has been his case that he came in contact with her before

about five years. It was suggested to her father that they should be got married, but he did not agree. Hence, Lilaben left her parental home, approached the petitioner about she having left her parental home and if the petitioner did not accept her, she would commit suicide. This resulted in petitioner entering into marriage with said Lilaben on 24/6/1999 at Patan in the temple of Sindhvai Mata according to Hindu rites and custom.

2. It has further been the case of the petitioner that on 10/7/1999 a case was registered u/Ss. 363 and 366-A of the Indian Penal Code before the Kalol Taluka Police Station against the petitioner and police detained the father of the petitioner and pressurized him for production of petitioner and his wife aforesaid Lilaben. Both of them appeared before the police. The petitioner was taken in judicial custody and as Lilaben was inclined to reside with the petitioner, she was sent to Women Protection Home, Odhav, Ahmedabad and it is the say of the petitioner that she was confined against her will there. The petitioner contacted her at Women Protection Home and submitted an application for her custody, but she was not entrusted to him and was ultimately handed over to her father against her will. She was accordingly confined at her uncle's house at village Gozaria against her will. Her uncle has been pressurizing for divorce. The petitioner was also threatened for not making any attempt for her custody else he would be taught a lesson. Since the aforesaid Lilaben is adult aged 22 years and since she has been illegally confined by her father, the petitioner has prayed for her custody in this petition for habeas corpus.

3. By order dated 4/8/1999 Rule was issued. The matter was adjourned from time to time and ultimately today. The parties are present before us. Said Lilaben has appeared in our chamber. The petitioner has also remained present in our chamber. Both the learned advocate and Ld. A.P.P. are present. Lilaben's father is also present. We inquired of Lilaben both in isolation as well as in presence of the petitioner as to where she would like to go and she expressed that she would like to go with her parents and with her father and at present she would not accompany the petitioner.

In view of what is stated above, Mr. Brahmbhatt, learned advocate for the petitioner seeks to withdraw this petition. Permission to withdraw granted. Rule is accordingly discharged.

PVR.